

CHAPTER 54

INSURANCE

SENATE BILL 04-026

BY SENATOR(S) Jones and Taylor;
also REPRESENTATIVE(S) Welker and Coleman.

AN ACT

**CONCERNING INCREASING THE TIME PERIOD IN WHICH THE INSURANCE COMMISSIONER MUST HOLD
A HEARING ABOUT THE CANCELLATION OF MOTOR VEHICLE INSURANCE.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 10-4-629 (6), Colorado Revised Statutes, is amended to read:

10-4-629. Cancellation - renewal - reclassification. (6) If the commissioner finds from the notice and other evidence that the protest is with or without merit, the commissioner may grant or dismiss the protest without a hearing and shall, in that event, promptly notify the insurer and the insured in writing of such action. If the protest is dismissed without a hearing, the proposed action of the insurer shall become effective on its proposed effective date or fifteen days after written notice of the action is given by the commissioner to the insured, whichever is later. If the notice of the proposed action does not comply with Colorado law, the commissioner shall disallow the action. In all other cases, the commissioner shall hold a hearing on the protest within ~~thirty~~ FORTY-FIVE days after receipt of the protest and shall give written notice of the time and place thereof to the insurer and the insured at least ten days prior to the scheduled date of the hearing. The insurer shall have the burden of proving its proposed action to be justified and, in doing so, may rely only upon the reasons set forth in its notice to the insured.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to cancellations of motor vehicle insurance on or after said date.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 2004